

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Police Department – According Permission to launch prosecution against the accused A-1 to A-7 in Cr.No.61/2010 under sections 120 (B), 121, 121 (A) IPC and section 25 I.A. Act section 13 (1) Unlawful Activities Prevention Act 1967 and sections 15, 18, 19 and 20 of Unlawful Activities (Prevention Amendment Act 2004 of Aize Police Station) – Orders - Issued.

HOME (LEGAL-II) DEPARTMENT

G.O.Ms.No. 252

Dated: 31.10.2011

Read:

From D.G.P., A.P., Hyd, Lr.Rc.No.1104/Compts-4/2011, dt: 1.3.11.

ORDERS:

In the reference read above the Director General of Police, Andhra Pradesh, Hyderabad has requested the Government to accord permission to prosecute the accused persons in Cr.No.61/2010 under sections 120 (B), 121, 121 (A) Indian Penal Code and section 25 I.A. Act section 13 (1) Unlawful Activities Prevention Act 1967 and sections 15, 18, 19 and 20 of Unlawful Activities (Prevention Amendment Act, 2004 of Aize Police Station).

2. And whereas the Superintendent of Police, Mahabubnagar in his letter dated: 13.06.2010 addressed to the Director General of Police, Andhra Pradesh, Hyderabad, has stated that top Maoist cadres are moving into Andhra Pradesh from Karnataka and Police Gadwal organized vehicle checking. During the vehicle checking at Aize, 3 persons were found jumped from RTC bus and started running away from police. The Sub-Inspector of Police Aize PS along with his team chased them and succeeded in apprehending one of them at about 0100 hours while other two persons managed to escape. The apprehended accused disclosed his identity as Chandrashekhar Gorebale S/o Late Sangappa when the accused person who about to confess some offence, SI Aize PS summoned mediators and interrogated him thoroughly. The accused voluntarily confessed his name as Chandrashekhar Gorebale @ Tippa Swamy @ Tippanna @ Sudhakar @ Mantappa@ Shivaraj @ Ganesh s/o Late Sangappa, aged 45/2010 years, Caste Lingayath r/o Mudiyanuru Village, Pustigi Taluk, Koppal District, Member of Karnataka State Committee (KNSC) and further stated as follows;

3. He has been working as Karnataka State Committee Member since 2006. He had completed his Post Graduation in M.A. Economics, in 1992 from Gulbarga University. After completion of PG, he joined in Sindhanur Government Degree College as a part time lecturer from 1993 to 2003. While working as lecturer, he was attracted by one person Ujjain Gowda, who was former secretary of KAVIRAM (Kaernataka Vimochana Ranga). In 1995, he become party member. As per the inspiration of Ujjain Gowda, Siramani Nagaraju and Sivalingam, he worked in the open organizations till 2004. He worked in Mass organizations namely Anti Communal front, Anti caste organization, Student Organisation, Women Organisation. He become State Committee Member of KNSC of CPI (Maoist) in November, 2006. Now he is incharge of North Karnataka and working in C.C.Tech as additional responsibilities.

4. He attended, Karnataka State Committee meeting held in Oct./Nov., 2007. It was chaired by Malla Raji Reddy @ Alok @ Sathenna, C.C. member.

5. He attended the LTP (Leadership Training Programme) held in Kerala in May, 2009 for (6) days, which was conducted by Kuppu Devaraj @ Ramesh @ Manju @ Sankar CC of SWRB.

6. In October, 2009, he went to Sholapur of Maharashtra and met one Vikas a courier of CC member. He received five lakhs of rupees meant for Karnataka State Committee. The money must have come from Central Committee. Later, he went to Chennai and handed over the money to Raju, a courier of Kuppu Devraj @ Ramesh @ Manju, i/c of South West Regional bureau.

7. In May, 2009, he attended State Committee meeting in the forest of Western Ghats, nears Srungeri. He discussed about the party and tactics.

8. In January, 2010, he again attended State Committee meeting in the forests of Western Ghats. After getting bail, Malla Raji Reddy, CC member was staying in Dandakaranya of Chattisgarh and guiding the State committees of SWRB, in the capacity of a CC member.

9. In February, 2010 Neelaguli Padmanabhan @ Pandu, State Committee Member of KNSC called him to Bijapur. Said N. Padmanabham gave him one black bag and said that it contained one Carbine weapon, (70) 9 mm Rounds and (32) SLR rounds. He also stated that he will give one more bag next month which contains a weapon and he has to hand over the bag to one action team, which will be coming in June, 2010. Said N. Padmanabham told him that all these were being sent by CPI (Maoist) Central Committee to attack an important political leader in Andhra Pradesh. Said N. Padmanabham informed that since party has lost ground in A.P. this decision was taken to regain the strength. Party has decided to send action team to attack on political leaders.

10. Accordingly in March, 2010 again Neelaguli Padmanabhan @ Pandu called him to Bijapur. This time said N. Padmanabham gave a suitcase, which contained one AK-47 and 20 AK-47 rounds, two police uniforms (used), (2) shoulder bags, (12) torch Lighters, (2) pocket chargers and some cloths. He kept the suitcase along with the bag in his den at Shahpur village of Yadgir District.

11. On 12.05.2010 as per the suggestion of Raju, courier of Ramesh, CC member he went to Hosur of Tamilnadu. Said Raju gave him one packet, which contains (5) ICOM wireless sets (IC-V82) and GPS Tracker (GPS 72-Garmin). He kept those items in his den at Shahapur.

12. On 11.06.2010 evening two persons came to his room and stayed for a night. They said that very soon they were going to assault one political leader in AP and for that they have to recce the area some where in Andhra Pradesh. As per the directions of Central Committee, he was accompanying them to the place of recce. They started from Shahapur in the evening and reached to Raichur. Night at 11.30 hrs they again started in a bus from Raichur and purchased tickets separately to go to Kurnool. After about an hour bus was stopped and they noticed police were checking vehicles which were stopped in front of them. They apprehended danger from the police and tried to escape. His two associates were managed to escape where as he was taken into custody by police. One of the escaped person is Takkellapalli Vasudeva Rao @ Ashanna, State Committee Member, presently organizing action team activities of Central Military Commission (CMC) of CPI (Maoist) from Chattisgarh and other person is Kanumukkala Ramesh @ Vijay, DCM, action team member from A.P. State Committee. He don't know the place of recce and the details of the target.

13. He further confessed that he is in possession of one 9 MM carbine, One GPS tracker and some other material. At his instance, on search of the bag he was carrying (1) One firearm i.e, 9 mm Carbine, (2) One 9 MM carbine Magazine with (10) 9 mm live rounds, (3) One GPS 72 GARMIN (1 Set in Taiwan) bearing No.GPS 72,. InT'IS.No.IM 2000460-GARMIN olathe,

KS USA, (4) One I COM IC-V82 VHF Transceiver, bearing Sl.No.2319006 made in Japan, (5) One pocket mobile charger "TE VMAOSA CARGAR DE ENERGIA" bearing marks China patent ZL-200720119124.7 copyright product. All rights reserved,, Made in China, Made by JN group, (6) One Bus Ticket bearing No.TNA 22320 for Rs.97/-, (7) One Data Traveller ® 32 GB of Kingstan make-bearing No.DTI/32 GB CN 112808 5V. C4225-303, AOOLF CHINA, (8) Two Magazines one is Peoples March-November 2009 second is Peoples Truch September - 2009, (9) CPI Maoist Polite bureau document dated 5th September, 2006, (10) CPI Maoist Central Committee letter dated 20 February, 2007, (11) CPI Maoist Kannada Booklet on CPI (Maoist), (12) Strategy and Tactics of the Indian Revolution by Central Committee (p) CPI (Maoist), (13) Two CDs i.e., one is cong second is Ramakrishna, (14) Praja Vani News paper Dt.12.06.2010 – Kannada, (15) Mangala Weekly Magazine – Kannada, (16) One Andhra Pradesh Political & Tourist Road Guide (map) were found. The same materials were seized from his possession under cover of panchanama in presence of mediators.

14. He further confessed that he had a den in Hothpet Thanda, Shahpur Village Yadair District of Karnataka State. He stayed in the house for two and half years. He paid rent of Rs.300/- per month. He stayed in the name of Shivaraj, Research Scholar, Dakappa is the house owner. He kept a weapon, ammunition, wireless sets, radios, shoulder bags, Maoist documents, CDs related to Maoist organization and it's activities etc., in the den. If come, he will lead to the den. As such SI of police, Aize PS requested to register a case and send CD file to him for further investigation.

15. Based on the above confession-cum-seizure panchanama ASI Aize PS registered a case in Cr.No.61/2010 under sections 120-B, 121, 121-A Indian Penal Code and section 25 IA Act, section 13(1) of unlawful activities (Prevention) Act, 1967, submitted the FIRs to the Honourable Court, other concerned.

16. During the course of investigation, SI of Aize PS conducted scene of offence panchanama in presence of the same mediators, drawn rough sketch of the scene in crime detailed form, examine and recorded the statements of LWI M.A. Rasheed PC-630 of PS Aize and (3) others PCs.

17. The SDPO Gadwal took up further investigation of the case, visited the scene of crime situated at 'T' junction Aize village.

18. In furtherance of his confession the accused led the police party and panchas Telugu Narsimulu s/o Edanna, age 41 yrs. Telugu, occ. VRO Aize r/o H.No.11-170, Aize village and Naiki Narsimhulu s/o Narsappa, to his den at Hothpet Thanda of Shahpur T. Yadagir District of Karnataka State and shown his den. Sri M. Mahesh, SDPO, Gadwal (LW12) examined and recorded the statement of house owner Kesu s/o Daku Singh, age 40 yrs, caste Lambada, occ. Coolie r/o Hothpet Thanda of Shapur Tq. Yadagiri District of Karnataka State and seized one AK-47 rifle, (3) magazines, (20) live rounds, (32) S.L.R.live rounds, (60) 9 mm live rounds, 4 VHF transceiver hand sets, (2) mobile chargers from his den at his instance under cover of separate panchanama in presence of two mediators of the instance of accused. After seizure panchanama the accused and seized material were brought to PS Aize at 1400 hours, issued arrest report explaining the grounds of his arrest and served notice U/s 50 Cr. P.C. to his relative through phone and sent him to judicial remand.

19. On 18.06.2010 the accused A1 was taken into police custody for 4 days from Central Jail Cherlapally, recorded his confessional statement on 21.06.2010 in presence of mediators and produced the accused in the same jail on 22.06.2010 after expiry of police custody period.

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20. Efforts were made to arrest the absconding accused A2 to A7 and to know the source of incriminating material seized from the possession of A1, but the whereabouts of the absconding accused are not known. Separate charge sheet will be filed against the absconding accused whenever they arrested.

21. From the evidence collected it is established that the accused A1 to A7 who belong to outlawed CPI ML Maoist entered into conspiracy to assault on political leaders or some police officers in Andhra Pradesh and also to wage war against the Government. In pursuance of conspiracy they collected arms and ammunition, other materials from various sources. In order to implement their conspiracy they decided to conduct a recce in AP. As per the directions of Central Committee, A2 and A3 went to the den of the A1 and met A1. On 12.06.2010 the A1 along with A2 and A3 proceeded to A.P. via Raichur in order to conduct recce some where in AP which is specifically known only A2 and A3. In the mid night at about 2330 hours A1 to A3 boarded Cheerala bus to go to Kurnool by purchasing tickets separately. After About an hour when the bus was stopped at Aize the A1 to A3 noticed police checking the vehicles and the bus was stopped behind one jeep. A1 to A3 apprehended danger from the police and tried to escape. A2 and A3 have managed to escape whereas A1 was taken into custody by LW11. A1 is not aware of the place of recce and the details of the target. When interrogated the A1 has confessed his guilt and in his pursuance of the confession the incriminating material was seized from the possession of A1. The A1 further led the police party to his den at Hothpet Thanda, Shapur Tq. of Yadgir District of Karnataka State where at the instance of the A1 other incriminating material i.e., one AK-47 with 3 magazines and 20 live rounds, 60 rounds of 9 mm live rounds, 32 SLR live rounds and other incriminating material noted in seized panchanama conducted at Hothpet Thanda were recovered in presence of panchas under cover of panchanama. As such, the accused A1 to A7 have committed an offence punishable U/s 120-B, 121, 121-A IPC and Section 25 IA Act and Section 13(1) of Unlawful Activities (Prevention) act 1967 and Section 15, 18, 19 and 20 of Unlawful Activities (Prevention) Amendment Act, 2004.

22. The Superintendent of Police, Mahabubnagar has requested to accord permission to prosecute the below mentioned accused persons under sections 120-B, 121, 121-A Indian Penal Code and section 25 IA Act and section 13(1) of Unlawful Activities (Prevention) Act, 1967 and sections 15, 18, 19 and 20 of Unlawful Activities (Prevention) Amendment Act, 2004.

A1 Chandrashekhar Gorebale @ Tippa Swamy @ Thippanna @ Sudhakar @ Mantappa @ Shivaraj @ Ganesh s/o Late Sangappa aged 45 years Caste Lingayath R/o Mudiyapur Village, Pustigi Taluk, Koppal District.

A2 Takkellapalli Vasudeva Rao @ Ashanna Central Committee Member presently organizing action Team activities of Central Military Commission (CMC) of CPI (Maoist) from Chattisgarh.

A3 Kanumukkala Ramesh @ Vijay DCM Action Team member from Central Military Commission action Team member.

A4 Vikas, Courier of C.C. member r/o Sholapur, Maharashtra.

A5 Raju Courier of Kuppu Devaraj r/o Chennai.

A6 Kuppu Devraj @ Ramesh @ Manju incharge of South West region bureau of CPI Maoist.

A7 Neelagulli Padmanabhan @ Pandu State Committee Member of KNSC.

23. Now, therefore, in exercise of the powers conferred, the Government hereby accord permission to the Director General of Police, Andhra Pradesh, Hyderabad to prosecute the above said accused persons under section 120-B, 121, 121-A Indian Penal Code and section 25 IA Act and section 13(1) of Unlawful Activities (Prevention) Act, 1967 and sections 15, 18, 19 and 20 of Unlawful Activities (Prevention) Amendment Act, 2004 and issue prosecution orders against them, in the interest of justice.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

(P. GAUTAM KUMAR)
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director Genera of Police, A.P., Hyderabad

Copy to:

The Law (E) Department
The P.S to Secretary (LA & J) Department
The P.S to Prl.Secy, Home Department.
C.No. 6430/Legal.II/A2/2011
SF/SC.